

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

United States of America for the Use of)
Warner Enterprises, Inc. d/b/a Sun Valley)
Electric Supply Co.,)

Civil Action No.: 3:14-cv-3882

Plaintiff,)

v.)

International Electric, Inc., International)
Fidelity Insurance Company, W.G. Yates)
& Sons Construction Company, Fidelity &)
Deposit Company of Maryland, and)
Travelers Casualty and Surety Company)
of America,)

ORDER OF DISMISSAL
(Fed. R. Civ. P 41(a)(2))

Defendants.)

This matter is before the Court upon the Joint Motion for Dismissal by Plaintiff and Defendants International Fidelity Insurance Company, W.G. Yates & Sons Construction Company, Fidelity & Deposit Company of Maryland, and Travelers Casualty and Surety Company of America (collectively, “the Settling Parties”).

IT APPEARING that Plaintiff filed this lawsuit on October 3, 2014, seeking damages related to materials furnished to a project to construct the AIT Barracks at 2300 MacGruder Street, Fort Jackson, South Carolina (“the Project”);

IT FURTHER APPEARING all defendants answered the complaint, denied Plaintiff’s allegations and asserted affirmative defenses to Plaintiff’s claims;

IT FURTHER APPEARING the defendants have asserted no cross-claims or counterclaims;

IT FURTHER APPEARING that on March 4, 2015, Defendant International Electric, Inc. filed for protection under Chapter 11 of the Bankruptcy Code in a case pending in the United

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States Bankruptcy Court for the District of Kansas, and is proceeding as a debtor-in-possession pursuant to §§ 1107 and 1108 of the Bankruptcy Code; and

IT FURTHER APPEARING that the Settling Parties have reached an agreement to resolve the claims asserted in this action and further agree that all parties shall bear their own costs and attorneys fees in connection with this action; and

IT FURTHER APPEARING that based upon their settlement the Settling Parties wish that all claims asserted in this action be dismissed with prejudice; that all claims against International Electric, Inc., which is not a party to the settlement, be dismissed without prejudice; and that the Defendants preserve and retain all rights and claims they may have against one another;

IT FURTHER APPEARING that the Court finds the Settling Parties' motion and relief requested proper;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Settling Parties' motion shall be and hereby is GRANTED.

IT IS FURTHER ORDERED that all claims asserted by Plaintiff against Defendants International Fidelity Insurance Company, W.G. Yates & Sons Construction Company, Fidelity & Deposit Company of Maryland, and Travelers Casualty and Surety Company of America in this action are hereby dismissed with prejudice.

IT IS FURTHER ORDERED that all claims asserted against International Electric, Inc. in this action are dismissed without prejudice.

IT IS FURTHER ORDERED that nothing in this Order shall be construed to affect any right, claim or remedy any one Defendant has against any remaining Defendant.

IT IS SO ORDERED.

May 19, 2015


Paige J. Gossett
United States Magistrate Judge